

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MELVIN WASHINGTON,

Plaintiff,

v.

Division of Welfare and Supportive
Services – Nevada, Cambridge, et al.,

Defendants.

Case No. 2:23-cv-01035-ART-DJA

ORDER DENYING MOTIONS
(ECF Nos. 17, 19)

Plaintiff Melvin Washington sued the State of Nevada under the Americans with Disabilities Act for alleged discrimination at the Cambridge office of Nevada’s Division of Welfare. (ECF No. 6.) Washington failed to perfect service in this lawsuit and another lawsuit based on the same underlying conduct, and the other lawsuit was dismissed. (See ECF No. 19 at 2.)

The State of Nevada seeks to dismiss Washington’s complaint with prejudice because he failed to timely perfect service of process. Since the filing of that motion, Washington has perfected service. (See ECF No. 28 at 1.) The State argues that Washington’s delay in perfecting service still merits dismissal. (*Id.*; ECF Nos. 19, 28.)

“District courts have broad discretion to extend time for service.” *Efaw v. Williams*, 473 F.3d 1038, 1041 (9th Cir. 2007); *see also Moore v. Agency for Int’l Dev.*, 994 F.2d 874, 876 (D.C. Cir. 1993) (“Pro se litigants are allowed more latitude than litigants represented by counsel to correct defects in service of process and pleadings”). Washington is proceeding *pro se* and has attempted proper service over the preceding two years. (See *e.g.*, ECF Nos. 7, 26.) Accordingly, the Court denies the State’s motion to dismiss.


Washington also seeks summary judgment on his ADA claim. (See ECF No.

17.) Federal Rule of Civil Procedure 56(c) and Local Rule 56-1 require a plaintiff seeking summary judgment to present evidence showing absence of a material dispute of fact. As the State points out, Washington did not attach any evidence to his motion. (See ECF No. 18.) Additionally, this case has not yet reached discovery or responsive pleading outside of service of process. Accordingly, the Court denies Washington's motion. (ECF No. 17.)

Conclusion

Accordingly, the Court denies Defendant's Motion to Dismiss. (ECF No. 19.) The Court also denies Plaintiff's Motion for Summary Judgment. (ECF No. 17.)

DATED THIS 14th day of July 2025.


ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE